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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,986	07/10/2003	Louis B. Rosenberg	IMMR-0099C (434701-433)	1236
60140 7590 05/21/2009 IMMERSSION - NIXON PEABODY LLP 200 Page Mill Road Palo Alto, CA 94306			EXAMINER ABDULSELAM, ABBAS I	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 05/21/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/615,986	<b>Applicant(s)</b> ROSENBERG ET AL.	
	<b>Examiner</b> ABBAS I. ABDULSELAM	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03/09/09.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 65-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 65-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/09/09 has been entered.

### *Response to Arguments*

2. Applicant's arguments filed on 03/09/09 have been fully considered but they are not persuasive.

Applicant argues that the cited reference Fujita et al (USPN 6118435) does not teach a “first piezoelectric actuator directly coupled to the touch screen”. The Examiner disagrees with the applicant's argument as the following rational applies.

As shown in the art rejection below, Fujita illustrates as shown in Fig. 1 a driving portion 5 and a touch panel 3 such that two elements (4, 6) are configured between the driving portion 5 and the touch panel 3. **Fujita teaches that the press detection switch 6 may be disposed at any place** (col. 4, lines 37-38). Fujita also teaches that the other element 4, touch-panel support plate 4 is provided for the reinforcement of the touch panel 3, and when the touch panel 3 itself has such a degree of strength as not to be deformed when the operator depresses the touch panel, **there is no need for especially providing such a touch-panel support plate 4** (col. 5, lines 41-46). Clearly, Fujita suggests the use of support plate 4 is optional, and as mentioned above the

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press detection switch 6 may be disposed at any place. Thus one of ordinary skill in the art would have ascertained that Fig. 1 can be modified by removing the support plate 4, and by disposing the switch 6 in a place not between elements (3, 5).

Hence, it would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize Fujita's optional use of a touch-panel support plate 4 as well as the use of press detection switch 6 at any place for the purpose of detecting a touch when the touch panel 3 is pressed as taught by Fujita (col. 4, lines 40-44).

In addition, it would have been obvious to one having ordinary skill in the art to relocate Fujita's two elements (4, 6) shown in Fig. 1 in a different configuration, since it has been held to be within the general skill of a worker in the art to shift location of parts (In re Japikse, 86 USPQ 70 (CCPA 1950)).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 65-71 are rejected under 35 U.S.C. 102(b) as being unpatentable over Fujita et al (USPN 6118435).

Regarding claim 65, Fujita teaches a display (6) and a touch panel (3) disposed above and close to the display screen. Fujita teaches that disposed under the touch panel (3) and the touch-

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panel support plate (4) is at least one driving portion (5) for mechanically driving the touch panel (3) and the like thereby to give a tactile feedback, such as vibration, to an operator of the touch panel (3). Fujita further teaches that the press detection switch 6 may employ a pressure sensitive switch composed of a piezoelectric element (col. 4, lines 1-50, Fig. 1 (3, 6) and Fig. 2 (SS)).

Note that as shown in Fig. 1, Fujita configures a driving portion 5 to the touch panel 3 as shown in Fig. 1.

Fujita does not teach specifically teach a “first piezoelectric actuator directly coupled to the touch screen”.

However, As shown in the art rejection below, Fujita illustrates as shown in Fig. 1 a driving portion 5 and a touch panel 3 such that two elements (4, 6) are configured between the driving portion 5 and the touch panel 3. Fujita teaches that the press detection switch 6 may be disposed at any place (col. 4, lines 37-38). Fujita also teaches that the other element 4, touch-panel support plate 4 is provided for the reinforcement of the touch panel 3, and when the touch panel 3 itself has such a degree of strength as not to be deformed when the operator depresses the touch panel, there is no need for especially providing such a touch-panel support plate 4 (col. 5, lines 41-46). Clearly, Fujita suggests the use of support plate 4 is optional, and as mentioned above the press detection switch 6 may be disposed at any place. Thus one of ordinary skill in the art would have ascertained that Fig. 1 can be modified by removing the support plate 4, and by disposing the switch 6 in a place not between elements (3, 5).

Hence, it would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize Fujita’s optional use of a touch-panel support plate 4 as well as the

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use of press detection switch 6 at any place for the purpose of detecting a touch when the touch panel 3 is pressed as taught by Fujita (col. 4, lines 40-44).

Regarding claims 66 and 71, Fujita teaches the driving portion 5 may be provided at only one place or at more than one places on the peripheral portion of the touch panel 3 such that the driving portion 5 drives the touch panel (3) to give a tactile feedback as mentioned above (col. 5, lines 57-59). Fujita also discloses a touch panel 3, which is supported by a touch-panel support plate 4, which is formed into a frame like structure (col. 4, lines 1-18)

Regarding claims 67-69, Fujita teaches the display unit with touch panel comprising a display body having a display screen for displaying images such as characters, patterns, symbols and the like; (col. 2, lines 37-52). Fujita also teaches an operated-position detecting circuit (10), along with inputting of the driving signal DS which actuates the driving portion (5) to drive the touch panel (3) into displacement whereby the operator is provided with the tactile feedback. See col. 9, lines 25-40.

Regarding claim 70, Fujita teaches the use of an image data output device such a computer (col. 1, lines 23-24), press detection switch 6, which may be provided at one place and more than one places of the peripheral portion of the touch panel 3 (col. 4, lines 29-30), and the driving portion 5, which may be provided at only one place or at more than one places on the peripheral portion of the touch panel 3 (col. 5, lines 57-59).

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abbas I. Abdulsalam whose telephone number is (571) 272-7685. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on (571) 272-7674. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Abbas I Abdulsalam/

Primary Examiner, Art Unit 2629

March 19, 2009